

**ASSEMBLY BILL**

**No. 16**

---

**Introduced by Assembly Member Lieber**

December 4, 2006

---

An act to amend Section 120335 of the Health and Safety Code, relating to pupil immunizations.

LEGISLATIVE COUNSEL'S DIGEST

AB 16, as introduced, Lieber. Pupil immunizations: human papillomavirus vaccine.

Existing law prohibits the governing authority of a school or other institution from unconditionally admitting any person as a pupil of any private or public elementary or secondary school, child care center, day nursery, nursery school, family day care home, or development center, unless prior to his or her first admission to that institution he or she has been fully immunized against various diseases.

This bill would, in addition, on and after July 1, 2008, prohibit the governing authority from unconditionally admitting any female pupil to the 6th grade level of any of those institutions unless the pupil has received the human papillomavirus (HPV) vaccine.

This bill would require the State Department of Public Health to identify and distribute related informational materials and to inform the institutions and all health care providers that administer HPV vaccines about the availability of the materials.

This bill would require a health care provider administering the HPV vaccine to provide a written disclosure to the parent or guardian relating to the HPV virus including its relation to cervical cancer and the effects of the HPV vaccine, and would require the disclosure to include the materials distributed by the department.

By increasing the duties of local school districts, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 120335 of the Health and Safety Code  
2 is amended to read:

3 120335. (a) As used in Chapter 1 (commencing with Section  
4 120325, but excluding Section 120380), and as used in Sections  
5 120400, 120405, 120410, and 120415, the term “governing  
6 authority” means the governing board of each school district or  
7 the authority of each other private or public institution responsible  
8 for the operation and control of the institution or the principal or  
9 administrator of each school or institution.

10 (b) The governing authority shall not unconditionally admit any  
11 person as a pupil of any private or public elementary or secondary  
12 school, child care center, day nursery, nursery school, family day  
13 care home, or development center, unless prior to his or her first  
14 admission to that institution he or she has been fully immunized.  
15 The following are the diseases for which immunizations shall be  
16 documented:

17 (1) Diphtheria.

18 (2) Haemophilus influenzae type b, except for children who  
19 have reached the age of four years and six months.

20 (3) Measles.

21 (4) Mumps, except for children who have reached the age of  
22 seven years.

23 (5) Pertussis (whooping cough), except for children who have  
24 reached the age of seven years.

25 (6) Poliomyelitis.

26 (7) Rubella.

1 (8) Tetanus.

2 (9) Hepatitis B for all children entering the institutions listed in  
3 this subdivision at the kindergarten level or below on or after  
4 August 1, 1997.

5 (10) Varicella (chickenpox), effective July 1, 2001. Persons  
6 already admitted into California public or private schools at the  
7 kindergarten level or above before July 1, 2001, shall be exempt  
8 from the varicella immunization requirement for school entry. This  
9 paragraph shall be operative only to the extent that funds for this  
10 purpose are appropriated in the annual Budget Act.

11 The department may adopt emergency regulations to implement  
12 this paragraph including, but not limited to, requirements for  
13 documentation and immunization status reports, in accordance  
14 with the rulemaking provisions of the Administrative Procedure  
15 Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of  
16 Division 3 of Title 2 of the Government Code). The initial adoption  
17 of emergency regulations shall be deemed to be an emergency and  
18 considered by the Office of Administrative Law as necessary for  
19 the immediate preservation of the public peace, health and safety,  
20 or general welfare. Emergency regulations adopted pursuant to  
21 this paragraph shall remain in effect for no more than 180 days.

22 (11) Any other disease deemed appropriate by the department,  
23 taking into consideration the recommendations of the United States  
24 Public Health Services' Centers for Disease Control Immunization  
25 Practices Advisory Committee and the American Academy of  
26 Pediatrics Committee of Infectious Diseases.

27 (c) On and after July 1, 1999, the governing authority shall not  
28 unconditionally admit any pupil to the 7th grade level, nor  
29 unconditionally advance any pupil to the 7th grade level, of any  
30 of the institutions listed in subdivision (b) unless the pupil has  
31 been fully immunized against hepatitis B.

32 (d) (1) *On and after July 1, 2008, the governing authority shall*  
33 *not unconditionally admit any female pupil to the 6th grade level*  
34 *of any of the institutions listed in subdivision (b) unless the pupil*  
35 *has received the human papillomavirus (HPV) vaccine.*

36 (2) *The State Department of Public Health shall identify and*  
37 *distribute informational materials about the risks associated with*  
38 *the HPV virus, including its association with cervical cancer. The*  
39 *materials shall discuss the effects of the HPV vaccine. The*  
40 *department shall inform institutions listed in subdivision (b) and*

1 *all health care providers that administer HPV vaccines about the*  
2 *availability of these informational materials.*

3 *(3) Every health care provider administering the HPV vaccine*  
4 *shall provide a written disclosure to the parent or guardian relating*  
5 *to the HPV virus including its relation to cervical cancer and the*  
6 *effects of the HPV vaccine. The disclosure shall include the*  
7 *materials distributed by the department pursuant to paragraph*  
8 *(2).*

9 ~~(d)~~

10 *(e) The department may specify the immunizing agents which*  
11 *may be utilized and the manner in which immunizations are*  
12 *administered.*

13 SEC. 2. If the Commission on State Mandates determines that  
14 this act contains costs mandated by the state, reimbursement to  
15 local agencies and school districts for those costs shall be made  
16 pursuant to Part 7 (commencing with Section 17500) of Division  
17 4 of Title 2 of the Government Code.